

NAME MICHAEL RICONOSCIUTO

21309086

PRISON IDENTIFICATION/BOOKING NO.

3600 GUARD RD. LOMPOC CA. 94326

ADDRESS OR PLACE OF CONFINEMENT

Note: If represented by an attorney, provide name, address & telephone number. It is your responsibility to notify the Clerk of Court in writing of any change of address.

FILED	LODGED
RECEIVED	
NOV 18 2016	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICHAEL JAMES RICONOSCIUTO

FULL NAME (Include name under which you were convicted)

Petitioner,

v.

STEVE LANGSFORD

NAME OF WARDEN, (or other authorized person having custody of petitioner)

Respondent.

CASE NUMBER:

CV

016-5964 ROL/DWC

To be supplied by the Clerk of the United States District Court

CR

CR91-1034 B

Criminal case under which sentence was imposed.

PETITION FOR WRIT OF HABEAS CORPUS BY
A PERSON IN FEDERAL CUSTODY
(28 U.S.C § 2241)

INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by *the petitioner*, under penalty of perjury. You must set forth CONCISELY the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this petition except that ONE separate additional page is permitted in answering Question No.9.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

If you are seeking leave to proceed *in forma pauperis* (without paying the \$5.00 filing fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the original and 3 copies, must be mailed to the Clerk of the United States District Court for the ~~WESTERN~~ District of ~~WASHINGTON~~ United States Courthouse, 1717 PACIFIC AVE / ROOM 3100 TACOMA WASHINGTON
ATTENTION: Intake/Docket Section. 98402

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. ☐ a conviction.
2. ☒ a sentence.
3. ☐ jail or prison conditions.
4. ☐ prison discipline.
5. ☐ a parole problem.
6. ☐ other.

PETITION

1. Place of detention LOMPOC FCI
2. Name and location of court which imposed sentence US FEDERAL DISTRICT COURT TACOMA, WASHINGTON. JUDGE ROBERT BRYAN
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:
 - a. 21:846 Conspiracy to manufacture methamphetamine.
 - b. 21:841 DISTRIBUTION of methadone.
 - c. 21:841 possession with intent to distribute methamphetamine.
4. The date upon which sentence was imposed and the terms of the sentence:
 - a. 5/14/1991 360 MONTHS 8 YEARS SUPERVISED RELEASE
 - b. _____
 - c. _____
5. Check whether a finding of guilty was made:
 - a. ☐ After a plea of guilty
 - b. ☒ After a plea of not guilty
 - c. ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
 - a. ☒ a jury
 - b. ☐ a judge without a jury
7. Did you appeal from the judgment of conviction or the imposition of sentence? ☒ Yes ☐ No
8. If you did appeal, give the following information for each appeal:

CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. §2255 in the federal court which entered the judgment.

- a. (1) Name of court US COURT OF APPEALS FOR THE NINTH CIRCUIT.
- (2) Result AFFIRMED
- (3) Date of result 10/27/1993
- (4) Citation or number of opinion 1993 US APP LEXIS 29076

(5) Grounds raised (*list each*):

- (a) Warrantless Entry of Property
- (b) Violation of Expectation of Privacy
- (c) Destruction of Exculpatory Evidence
- (d) _____

b. (1) Name of court _____

(2) Result _____

(3) Date of result _____

(4) Citation or number of opinion _____

(5) Grounds raised (*list each*):

- (a) _____
- (b) _____
- (c) _____
- (d) _____

9. State CONCISELY every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: *If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time and place.*

a. Ground one: I have been summarily denied inmate legal library access, and access to my legal case documents. I am seeking FAST-TRACK expedited ruling, and FAST-TRACK ruling to proceed.
Supporting FACTS (tell your story BRIEFLY without citing cases or law): The B.O.P. has obstructed to attorneys'. There is urgent need for post-conviction relief due to waning health and other exigent circumstances which would warrant either bail and/or sentence review to correct 3553(a)(6) factors that raise Constitutional concerns that could not have been fully considered at the original sentencing. Therefore expedited ruling and FAST-TRACK adjudication is necessary to correct these egregious sentencing errors.

b. Ground two: Serious medical treatment needs and deteriorating health issues.

Supporting FACTS (tell your story BRIEFLY without citing cases or law): The B.O.P. has delayed and/or appropriate timely medical treatment for prostate cancer, Basal cell skin cancer, complex endocrine conditions, neuro-degenerative disorders, and other clinically non-trivial medical issues. The B.O.P. claims to be able to take care of all my medical issues. My deteriorating health proves otherwise, as documented by objective clinical diagnostic test results.

- c. Ground three: The sentencing court could not have considered all of the 3553(a)(6) factors that affected my sentencing.

Supporting FACTS (tell your story BRIEFLY without citing cases or law): Attorney inexperience and error at sentencing including but not limited to other issues including: the present denial of post-conviction rehabilitation, B.O.P. illegal burdens placed on my religious observance, summary denial of all B.O.P. TRULINKS services including access to the ELECTRONIC LEGAL LIBRARY (the ONLY source of legal research material in this prison), denial/removal from my inmate job assignment as a remedial GED tutor and inmate vocational trainer. Counsel's errors at sentencing prove his representation was inadequate and affected the imposition of an incorrect sentence by at least ten (10) to eighteen (18) years.

10. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction? ☐ Yes ☒ No

11. If your answer to Question No. 10 was yes, give the following information:

- a. (1) Name of Court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____

- (4) Result _____
- (5) Date of result _____
- (6) Citation or number of any written opinions or orders entered pursuant to each disposition.

- b. (1) Name of Court _____
(2) Nature of proceeding _____
(3) Grounds raised _____

- (4) Result _____
(5) Date of result _____
(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

The B.O.P. has obstructed my access to outside paid attorneys. The B.O.P. has obstructed incoming and outgoing legal special mail. I have been summarily denied access to the inmate law library because the Warden determined I am an alleged escape risk and threat to security because of my skills. I have not been allowed to retain legal documents inside the institution.

13. Are you presently represented by counsel? ☐ Yes ☒ No

If so, provide name, address and telephone number My attorneys have been subjected to threats of violence and actual violence upon attorney office staff. The B.O.P. also raised false allegations of attorney misconduct that were later proven to be false.
Case name and court _____

14. If you are seeking leave to proceed in forma pauperis, have you completed the declaration setting forth the required information? ☐ Yes ☒ No

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

11/8/2016
Date

Michael Ricomonte
Signature of Petitioner